

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re: ORTHO EVRA® PRODUCTS)	N.D. Ohio Case No. 1:06 cv-40000
LIABILITY LITIGATION)	
)	MDL Docket No. 1742
)	
This Pleading Relates to:)	Judge David A. Katz
)	
ALL CASES)	
)	DEFENDANTS' DAUBERT
MDL Case No. 1:06cv-4000)	CHALLENGES TO PLAINTIFFS'
)	PROPOSED EXPERTS FOR THE
)	TOMKO AND ARBINO CASES
)	

At this time, apart from Dr. Furberg, Dr. Flaumenhauf, Dr. Mazur and other experts of plaintiffs that have not yet been deposed, defendants anticipate *Daubert* challenges to the following of plaintiffs' experts in Arbino and Tomko on the issues in those cases:

1. Dr. John Maggio - as to qualifications in the area of contraceptive steroids and birth control; and on all opinions related to the claim that the PK profile of ORTHO EVRA® makes it equivalent to a greater than 50 ug pill.

Further, defendants anticipate challenges to opinions of any other witness predicated on Dr Maggio's opinion that the PK profile of ORTHO EVRA® makes it equivalent to a greater than 50 ug pill.

2. Dr. Curt Furberg (pending completion of March 28 deposition) - as to qualifications on all issues other than clinical trials generally, and on all opinions including but not limited to those related to ethical standards, alleged deception, state of mind of the defendants and regulatory authorities, corporate conduct and other similar areas, adequacy of warnings to physicians, compliance with FDA regulations, and as to transdermal delivery of medicine.

3. Dr. Suzanne Parisian - as to qualifications to testify and her opinions related to ethical standards, alleged deception, state of mind of defendants and regulatory authorities, that the patch was too dangerous to be marketed, corporate conduct and other similar areas, adequacy of warnings to physicians, compliance with FDA regulations, and manufacturing issues.

4. Dr. Gabrielle Bercy-Roberson - as to qualifications and her opinions on pharmacokinetics, and that ORTHO EVRA® is “dangerous” and exposes women to a dose of estrogen which is too high and is not a safe alternative method of birth control.

5. Dr. Anthony DiScuillo - as to qualifications and opinions on pharmacokinetics and epidemiology, pregnancy and obstetrics, hormone replacement therapy, hematology, that ORTHO EVRA® is not a safe alternative method of birth control.

6. Dr. Alekha Dash - as to qualifications and opinions related to manufacturing of transdermal contraceptives, process validation, and production of ORTHO EVRA®.

Respectfully submitted,

By: /s/ Susan M. Sharko
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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Susan M. Sharko

One of the Attorneys for Defendants
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